

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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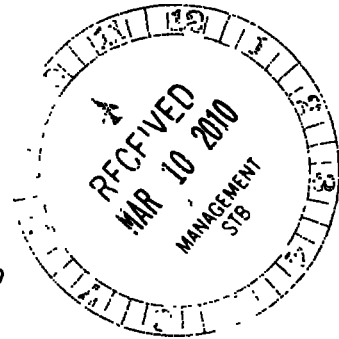
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MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

March 9, 2010

VIA FEDERAL EXPRESS

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20024



Re: **Docket No. AB-317 (Sub-No. 6X)**
Indiana Harbor Belt Railroad Company – Discontinuance of
Trackage Rights Exemption – In Lake County, Indiana

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the **Verified Notice of Exemption of Indiana Harbor Belt Railroad Company Pursuant to 49 C.F.R. § 1152.50**, dated March 9, 2010. A check in the amount of \$3,700.00, representing the appropriate fee for this filing, is attached.

Please note that the Notice includes a color map.

One extra copy of the Notice and this letter also are enclosed. Please date-stamp those items to show receipt of this filing and return them to me in the provided envelope.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

RECEIVED
Office of Proceedings

MAR 10 2010

Part of
Public Record

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael J. Barron, Jr."

Michael J. Barron, Jr.
Attorney for Indiana Harbor Belt Railroad
Company

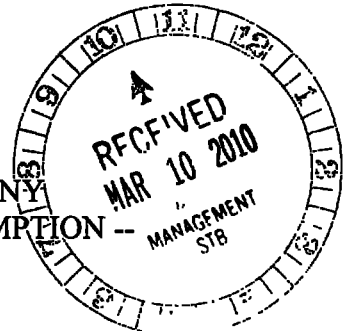
MJB: jc

Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-317 (SUB-NO. 6X)

INDIANA HARBOR BELT RAILROAD COMPANY
-- DISCONTINUANCE OF TRackage RIGHTS EXEMPTION --
IN LAKE COUNTY, INDIANA



**VERIFIED NOTICE OF EXEMPTION OF
INDIANA HARBOR BELT RAILROAD COMPANY
PURSUANT TO 49 C.F.R. § 1152.50**

Original

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

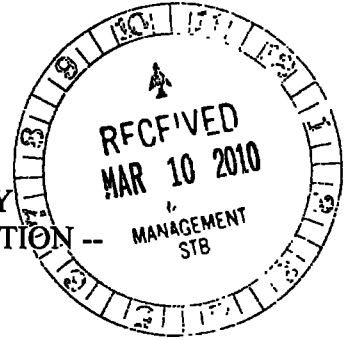
**ATTORNEYS FOR INDIANA HARBOR BELT
RAILROAD COMPANY**

Dated: March 9, 2010

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-317 (SUB-NO. 6X)

INDIANA HARBOR BELT RAILROAD COMPANY
-- DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION --
IN LAKE COUNTY, INDIANA



**VERIFIED NOTICE OF EXEMPTION OF
INDIANA HARBOR BELT RAILROAD COMPANY
PURSUANT TO 49 C.F.R. § 1152.50**

Indiana Harbor Belt Railroad Company ("IHB") hereby submits this Verified Notice of Exemption under 49 C.F.R. § 1152.50 for the discontinuance of IHB's local and overhead trackage rights on a line of railroad of Elgin, Joliet & Eastern Railway Company ("EJE") extending from milepost 47.88 at Hammond, Indiana to milepost 46.10 at Hammond, Indiana (the "Hammond Line"), a total distance of approximately 1.78 miles in Lake County, Indiana. A map showing the trackage rights to be discontinued is attached hereto as Exhibit A. No local shippers will be affected. EJE is also seeking abandonment authority to abandon the Hammond Line, which will be docketed as Elgin, Joliet & Eastern Railway Company – Petition for Exemption for Abandonment - in Hammond, Lake County, Indiana, Docket No. AB-117 (Sub-No 7x).

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), IHB submits the following information:

General Corporate Information: 49 C.F.R. § 1152.22(a)(1) - (2)

IHB is a terminal railroad and a common carrier by rail which owns or operates approximately 54 miles of mainline trackage in Illinois and Indiana. The IHB mainline circles

Chicago from a point near O'Hare Airport and heads southward, parallel roughly to I-294, and then eastward along I-80/94, into Indiana, terminating in the vicinity of Burns Harbor, Indiana on Lake Michigan.

The complete name and address of IHB is:

Indiana Harbor Belt Railroad Company
2721 161st Street
Hammond, IN 46323-1099

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the discontinuance of trackage rights, codified at 49 C.F.R. § 1152.50(b), IHB seeks to discontinue its local and overhead trackage rights over EJE's Hammond Line, extending from milepost 47.88 at Hammond, Indiana to milepost 46.10 at Hammond, a total distance of approximately 1.78 miles in Lake County, Indiana.

IHB acquired these overhead and local trackage rights from EJE mainly in the early 1970's.

No local traffic has been handled pursuant to these rights for at least two years. There is no current IHB overhead traffic on the Hammond Line, and in any event such overhead IHB traffic on the Hammond Line can be and has been rerouted over other lines. The proposed discontinuance will permanently remove IHB trains from the Hammond Line, and EJE is seeking to abandon the Hammond Line, which will be docketed as Elgin, Joliet & Eastern Railway Company – Petition for Exemption for Abandonment - in Hammond, Lake County, Indiana, Docket No. AB-117 (Sub-No 7x).

Map: 49 C.F.R. § 1152.22(a)(4)

A map showing the location of the Hammond Line over which IHB seeks to discontinue its local/overhead trackage rights is attached hereto as Exhibit A.

Applicant's Representative: 49 C.F.R. § 1152.22(a)(7)

Any correspondence regarding the proposed discontinuance should be sent to IHB's representative at the following address:

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, IL 60606-2832
(312) 252-1500

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The Hammond Line traverses United States Postal Service ZIP Code 46320.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

IHB certifies that no local traffic has moved via the Hammond Line trackage rights for at least two years and that any overhead traffic formerly handled via those trackage rights can be rerouted over other lines. IHB further certifies that no formal complaint by a user of the Hammond Line trackage rights service (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years. See Certification and Verification of James E. Roots attached hereto as Exhibit B.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

IHB intends to consummate the discontinuance of its local and overhead trackage rights on the Hammond Line on or shortly after April 29, 2010.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

Not applicable. Because this is a trackage rights discontinuance proceeding and not an abandonment, public use conditions would be unavailable. E.g., BNSF Railway Company -- Discontinuance of Trackage Rights Exemption -- In Kootenai County, ID, Docket No. AB-6 (Sub-No. 466X) (STB served March 4, 2009).

Notice Requirement: 49 C.F.R. §§ 1152.50(d)(2), 1105.11, 1105.12

A certification that the agencies designated in 49 C.F.R. § 1152.50(d)(1) have been served with written prefiling notice of the proposed discontinuance is attached hereto as Exhibit C. A certification that, in accordance with 49 C.F.R. § 1105.12, IHB has published notice of the proposed discontinuance in a newspaper of general circulation in the county through which the Hammond Line passes is attached hereto as Exhibit D. Because preparation of an Environmental/Historic Report is not required for the proposed discontinuance of trackage rights, the notice requirements of 49 C.F.R. §§ 1105.7(b) and 1105.11 are not applicable to this proceeding. See also, Canadian National Railway Company -- Discontinuance of Trackage Rights Exemption -- In Niagara County, NY, Docket No. AB-279 (Sub-No. 4X) (STB served December 13, 2002).


Labor Protection: 49 C.F.R. § 1152.50(d)(2)

The appropriate level of labor protection for the transaction proposed herein is that set forth in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979). No IHB employees will be adversely affected by the proposed discontinuance.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

Under 49 C.F.R. § 1105.6(c)(6), IHB's proposed discontinuance of trackage rights over EJE's Hammond Line is exempt from environmental reporting requirements. Under 49 C.F.R. § 1105.8(a) and (b), the proposed discontinuance also is exempt from historic preservation reporting requirements. See also, Canadian National Railway Company -- Discontinuance of Trackage Rights Exemption -- In Niagara County, NY, Docket No. AB-279 (Sub-No. 4X) (STB served December 13, 2002). Further STB approval is required for EJE to abandon any portion of the Hammond Line.

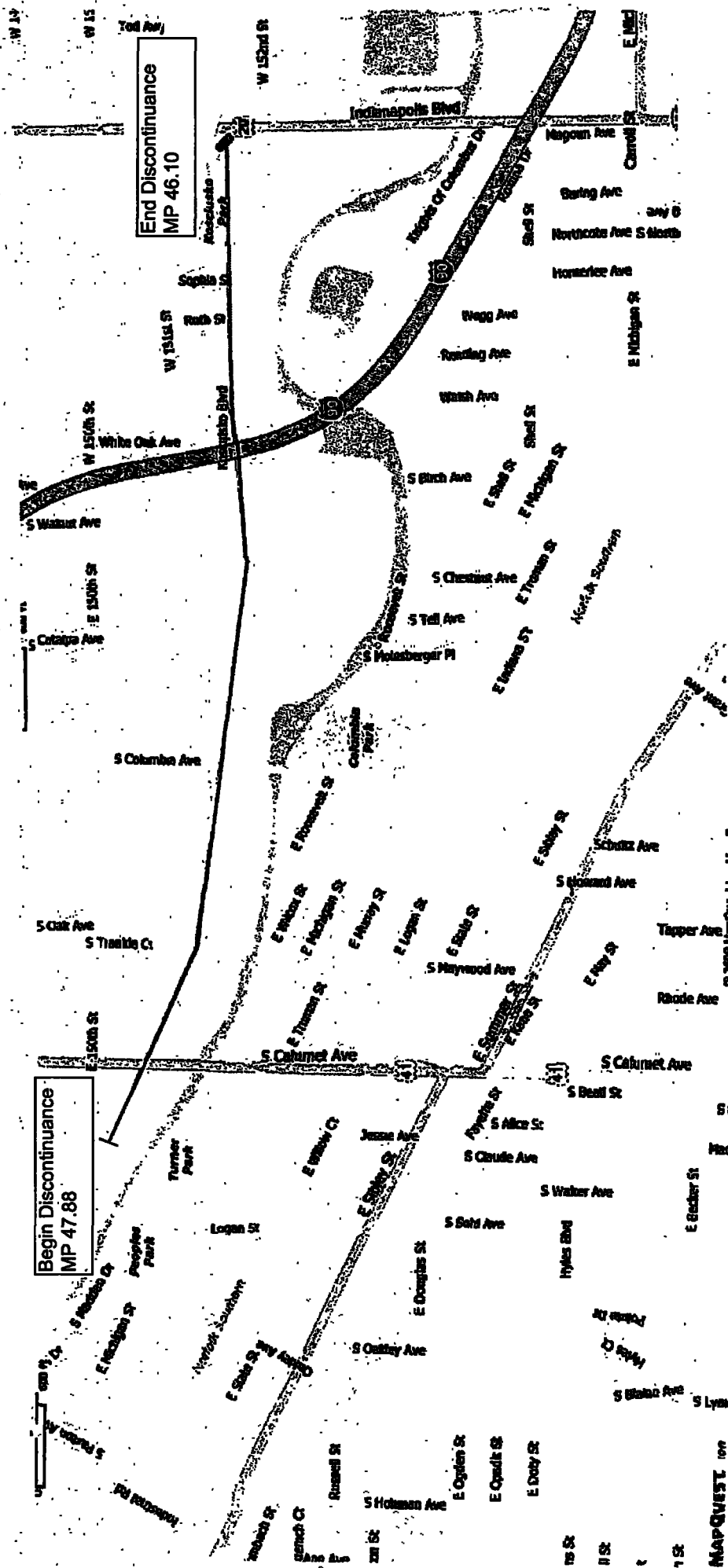
Respectfully submitted,

By: 
Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEYS FOR INDIANA HARBOR BELT
RAILROAD COMPANY**

Dated: March 9, 2010

[MAP EXHIBIT]



CERTIFICATION AND VERIFICATION

State of Indiana)
County of Lake) ss:

J.E. Roots, being duly sworn, deposes and says that he is
General Manager of Indiana Harbor Belt Railroad Company ("IHB") and that:

1) No local traffic has moved via IHB's trackage rights over the rail line of Elgin, Joliet & Eastern Railway Company ("EJE") between Milepost 47.88 and Milepost 46.10 in Hammond, Indiana at least two years; any IHB overhead traffic formerly handled on the line can be rerouted over other lines; and no formal complaint filed by a user of IHB rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years; and

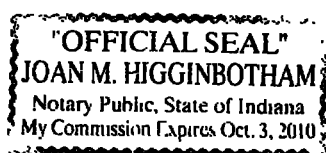
2) He has read the foregoing Notice of Exemption and knows the facts asserted therein, and the same are true as stated.

J.E. Roots

SUBSCRIBED AND SWORN TO
before me this 17th day
of February, 2010.

Joan M. Higginbotham
Notary Public

My Commission expires: 10-3-2010



CERTIFICATE OF NOTIFICATION

I hereby certify that on February 19, 2010, written notice in the form attached hereto and containing the information specified in 49 C.F.R. § 1152.50(d)(1) was served by first class mail, postage prepaid, upon the following agencies designated in that subsection:

Attn: Venetta Keefe, Rail Planner
Indiana Department of Transportation
100 North Senate Ave.
Room IGCN 755
Indianapolis, IN 46204

Military Surface Deployment & Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service
Recreation Resources Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

Mr. Thomas Tidwell
Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Michael J. Barron, Jr.

Dated: March 9, 2010

FLETCHER & SIPPEL LLC

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29 North Wacker Drive
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MICHAEL J. BARRON, JR.

(312) 252-1511

mbarron@fletcher-sippel.com

February 19, 2010

VIA FIRST-CLASS MAIL

Mr. Thomas Tidwell
Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

Re: **Docket No. AB-317 (Sub-No. 6X)**
Indiana Harbor Belt Railroad Company -- Discontinuance of
Trackage Rights Exemption – In Lake County, Indiana

Dear Mr. Tidwell:

On or about March 1, 2010, Indiana Harbor Belt Railroad Company ("IHB") expects to file with the Surface Transportation Board a notice of exemption for the discontinuance of IHB's local and overhead trackage rights on a line of railroad of Elgin, Joliet & Eastern Railway Company extending from Milepost 47.88 at Hammond, Indiana to Milepost 46.10 at Hammond, Indiana, a total distance of approximately 1.78 miles in Lake County, Indiana. The line traverses United States Postal Service ZIP Code 46320. IHB's notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b).

We are notifying you of the proposed discontinuance in accordance with the requirements of 49 C.F.R. § 1152.50(d)(1). Should you have any questions or need additional information regarding this proposed discontinuance, please feel free to contact me at (312) 252-1511. Kind regards.

Respectfully submitted,



Michael J. Barron, Jr.
Attorney for Indiana Harbor Belt Railroad
Company

MJB: jc

CERTIFICATE OF PUBLICATION

I hereby certify that:

1. I have contacted the following newspaper of general circulation for the county in which the subject rail line in this proceeding is located, and arranged for the publication of a Notice of Intent to Discontinue Trackage Rights, in the form attached hereto, pursuant to 49 C.F.R. § 1105.12:

Lake County, IN - *The Post-Tribune of Northwest Indiana*
1433 E. 83rd Street
Merrillville, Indiana 46410

2. The Notice of Intent to Discontinue Trackage Rights was published in *The Post-Tribune of Northwest Indiana* on March 3, 2010.

3. A copy of the notice from *The Post-Tribune of Northwest Indiana* is attached.


Michael J. Barron, Jr.

Dated: March 9, 2010

PUBLISHER'S AFFIDAVIT PROOF OF PUBLICATION

STATE OF INDIANA

SS:

COUNTY OF LAKE

FLETCHER & SIPP

ACCT #8051879

AD #516019

I, Beth McGhee Beth McGhee, says she is Legal Clerk, Classified Advertising,

of the Post-Tribune Company, publishers of THE POST-TRIBUNE, a daily newspaper, published at

Merrillville, Indiana, said County and State and that the printed matter attached hereto is a true copy,

was duly published in said paper.

On the 3rd day of March, 2010

Date March 8, 2010

Attended Notice of Intent to Discontinue
Trackage Rights - Indiana Harbor Belt Railroad
Company
Indiana Harbor Belt Railroad Company ("IHB")
gives notice that on or about March 9, 2010, it
intends to file with the Surface Transportation
Board, Washington, DC 20423, a notice of ex-
emption under 49 C.F.R. 1152 Subpart F. Ex-
empt Abandonments and Discontinuances per-
mitting the discontinuance of IHB's overhead
and local trackage rights on approximately
1.75 miles of rail line of the Elgin, Joliet & East-
ern Railway Company ("EJE") between Mile-
post 47.88 at Hammond, Indiana and Milepost
46.10 at Hammond, Indiana, traversing United
States Postal Service ZIP Code 46320 in Lake
County, Indiana. The proceeding will be docu-
mented as AB-317 (Sub-No. 6X).
The proposed discontinuance is exempt
from the Board's environmental and historic
reporting requirements. 49 C.F.R. 1105.6(C)
and 1105.8(b). Interested persons may make
inquiries regarding environmental matters by
writing to the Section of Environmental Affairs,
Surface Transportation Board, Washing-
ton, DC 20423 or by calling that office at (202)
245-0295.
Appropriate offers of financial assistance
to continue rail service can be filed with the
Board. Public use conditions and rail
banking/trails use are not available in pro-
ceedings involving only a discontinuance and
not an abandonment. An original and two cop-
ies of any pleading that raises matters other
than environmental issues (such as offers of
financial assistance) must be filed directly with
the Board's Office of the Secretary, 945 E
Street, S.W., Washington, DC 20423 (see 49
C.F.R. 1104.1(a) and 1104.1(e)). Questions re-
garding offers of financial assistance by the
Board's discontinuance procedures may be di-
rected to the Board's Office of Public As-
sistance, Governmental Affairs & Compliance at
(202) 245-0218.
Copies of any comments or requests for
clarification should be served on IHB's repre-
sentative at the following address:
Michael J. Barron, Jr.
Fletcher & Sippel, LLC
29 North Wacker Drive, Ste. 920
Chicago, Illinois 60606-2832 (312) 252-1500
Published in The Post-Tribune of Northwest In-
diana on the 3rd day of March, 2010. 516019